

REMARKS

This Response, submitted in reply to the Office Action dated February 25, 2009 is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

I. Status of Application

Claims 1-23 and 25-30 are pending in the application. Claims 1, 17, 18, 20-21 and 28-30 are being amended.

Claim 30 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-23 and 25-30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Dunn et al (U.S. 6,324,280 (hereinafter "Dunn")) in view of Park (U.S. 5,675,634).

II. Claim Objections

The Examiner objected to claims 20 and 21 for an informality relating to the use of the word "instructions" in the preamble of the claim, and suggested replacing the word with "computer program" to coincide with their respective independent claims.

The Applicant herein amends claims 20 and 21 to change "instructions" to "computer program," in accordance with the Examiner's suggestion. The Applicant believes the amendments will eliminate the Examiner's objection.

III. Claim Rejections-35 U.S.C. § 112

Claim 30 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Applicant herein amends claim 30 to more clearly state that “a physical interface of the signaling channels is capable of transmitting messages using at least one of an IP protocol...” The Applicant believes the amendment will clarify that the physical interface is compatible with the listed protocols such that messages can be transmitted using the listed protocols, as opposed to the physical interface simply comprising the listed protocols. The Applicant respectfully requests that, in view of the amendment, the rejection of claim 30 be withdrawn.

IV. Claim Rejections- 35 U.S.C. § 103

Claims 1-23 and 25-30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Dunn et al (U.S. 6,324,280 (hereinafter “Dunn”) in view of Park (U.S. 5,675,634).

Claim 1: Selecting a Signaling Channel

Claims 1, 17 and 18 have been amended to more clearly describe how the type of signaling channel is selected by the interpreter, specifically that “a type of signaling channel is selected depending on which signaling channels are available to the coupler...” Independent claims 3 and 15 already describe that the type of signaling channel is selected based on the

available signaling channels at the coupler. Further support for the amendments can be found in the Specification at p. 6, lines 27-32.

Dunn does not describe this claim element, as Dunn only selects from an IP or telephony network based on the preliminary digits or symbols of a call request. *Dunn*, col. 3, lines 18-21. Dunn does not disclose selecting a channel depending on which signaling channels are available, as is recited in Applicant's claims. Instead of the availability of a channel, Dunn looks to the digits in a call request. The Examiner states that Dunn "analyzes the digits of the call request" and "determines whether to route the call either over the Internet or the toll network based on the analysis." *Office Action*, p. 4. Thus, while Dunn uses preliminary digits and symbols of a call request to determine the signaling channel – either IP or telephony – the Applicant's embodiment uses the availability of the signaling channels to determine which signaling channel to use.

Therefore, Dunn fails to disclose this aspect of claims 1, 3, 9, 15 and 17 -19. Further, neither Dunn nor Park, taken alone or in combination, teach selecting a type of signaling channel depending on the availability of signaling channels

The Applicant additionally submits that claims 2, 4-8, 10-14, 16, 20-23 and 25-30 are also allowable at least based upon their dependencies to their respective independent claims.

Claim 1: Receipt Flag

Neither Dunn nor Park teach adding a receive flag *to a signaling message* upon receipt of the message at the interpreter. Dunn sends a separate acknowledgement message back to the originating toll access switch 1, but nothing is added to the signaling message itself when it is received at terminating toll access switch 2. *Dunn*, col. 3, lines 45-50. Since the

acknowledgement message disclosed in Dunn is attempting to notify the originating switch that the message was received at the terminating switch, there is no point in adding a receive flag or any other indicator to the signaling message that was received at the terminating switch 2.

In contrast, the Applicant's claimed embodiment clearly states that the purpose of the receiver is for "adding a receive flag to a received signaling message," where "the receive flag is an internal flag of the switch and is not transmitted with the signaling message from the switch." In the Applicant's embodiment, the receive flag denotes receipt of the signaling message *at the receiving/terminating switch*, such as the exchange 18 in Fig 1.

The Examiner cites to Park for this missing element, stating that "Park teaches an apparatus for a switching system where internal flags used for transmission and reception of data are written and read to/from a common memory between a host processor 21 and a CPU 23." *Office Action*, p. 22. Park still does not, however, disclose adding a receive flag *to a received signaling message*--Park only uses internal flags to confirm receipt of data transmitted between components of its switching system. *Park*, col. 4, lines 2-12. Nothing in Park adds a receive flag *to a signaling message received by the switching system*, since the receive flags in Park are only used for transmission of "command data" within the switching system. This "command data" is not the signaling message itself, in contrast to the claimed invention. Therefore, Park still fails to disclose the Applicant's claimed aspect of adding a receive flag *to the received signaling message itself*.

For at least these reasons, the Applicant submits that neither Dunn nor Park, taken alone or in combination, teach the element of independent claims 1, 3, 9, 15, 17, 18 and 19, relating to adding a receive flag *to a received signaling message*.

The Applicant also amends claim 28 to more clearly describe that the receipt flag is added to the signaling message upon receipt of the signaling message at a second interpreter.

Claim 9: Next Available Signaling Channel

The Applicant additionally submits that neither Dunn nor Park, taken alone or in combination, teach the elements of claim 9, as Dunn and Park fail to disclose where “a next available signaling channel is selected in a chronological order and the signaling message is configured to produce the signaling configuration for the next available signaling channel.”

The Office Action lacks any indication that Dunn or Park teach the recited element of claim 9, of selecting the next available signaling channel in chronological order. Further, the current switch in Fig. 1 of Dunn does not teach this aspect of the claim, and the Applicant therefore requests that the rejection of claim 9 be withdrawn.

Claim 29: Predetermined Constant Character String

Claim 29 has been amended to clarify that the predetermined constant character string “is always a same character string regardless of the type of signaling channel that is to be used to send the signaling message.” Support for this amendment is found in the Specification at p. 6, lines 17-20.

Neither Dunn nor Park teach the constant character string described in claim 29, as the Examiner indicates that Dunn teaches that the dialed digits (string) “corresponds to a *particular*

connection or route used for call completion to a *particular destination*.” *Office Action*, p. 16 (emphasis added). While the character string of dialed digits in Dunn changes depending on a particular route or destination, the constant character string in the aspect described in claim 29 is always the same, *regardless of the type of signaling channel that is to be used to send the signaling message*. As further described in the Specification, “this predetermined send order ‘Send T2’ is added to the message ‘Signaling’ *whatever the protocol that is to be used thereafter for conveying it to the exchange 19.*” *Specification*, p. 6, lines 17-20 (emphasis added).

Therefore, the constant character string is the same for each signaling message, regardless of the protocol, or signaling channel, that is to be used to send the signaling message.

Dunn teaches the exact opposite situation, however, as the dialed digits, or character string, used in Dunn changes depending on the destination or route for the call. *Dunn*, col. 4, lines 6-10. The dialed digits in Dunn correspond to a particular connection or route, while the constant character string described in claim 29 is the same for each signaling message, *regardless of the type of signaling channel that is to be used to send the signaling message*.

For at least these reasons, the Applicant states that claim 29 is allowable over Dunn and Park.

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
Application No.: 09/323,135

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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